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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

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CERTIFIED MAIL
RETURN RECEIPT REQUESTEDCORPORATE ENVIRONMENTAL
SERVICES

Mr. Stephen W. Holt
NL Industries, Inc.
Corporate Environmental Services
P.O. Box 1090
Hightstown, N.J. 08520

Dear Mr. Holt:

The United States Environmental Protection Agency (EPA) has reviewed the Remedial Investigation (RI) report, Volumes I-IV, dated October 1990 through March 1991, and the Feasibility Study (FS) workplan for the NL Industries, Inc. (NL) Superfund Site located in Pedricktown, New Jersey. The RI report is hereby approved in conjunction with EPA's enclosed RI Addendum. The FS workplan is also approved with the modifications specified in the following paragraphs. EPA has included several informational comments which must be considered in developing the FS and addressed in the FS Report.

EPA has determined that specific remedial alternatives for contamination at the NL site should not be recommended in the FS Report. Upon review of the FS, EPA will decide which remedial alternative it considers the preferred option.

The detailed analysis of the alternatives conducted as part of the FS must not provide speculation as to the likelihood of State and/or local community acceptance of the respective remedial alternatives, as discussed on page 6-13 of the "Guidance for Conducting Remedial Investigations and Feasibility Studies Under CECRLA," (EPA/540/G-89/004). EPA will address these criteria in the Record of Decision for the NL site.

NL I 002 0364

The FS must include a brief summary of the RI work completed to date and a discussion of any cleanup activities that have been undertaken. It must also include a conceptual site model, as referenced in the Guidance Document Section 2.2.2.2, which should be based on sources, pathways and potential receptors.

Risk-based cleanup levels and New Jersey Department of Environmental Protection (NJDEP) Interim Soil Action Levels should be considered in addressing soil remediation at the site. The groundwater classification for the site is GW2 and the MCLs are ARARs for groundwater. Please note that the federal MCL for lead of 50 ppb has been replaced by a groundwater action level of 15 ppb.

The tanks on the site must be closed in compliance with State regulations. A copy of the regulations is enclosed for your information. The FS must address satisfactory closure of the fuel tanks and cleanup of the septic system.

In the FS, several guidances must be used and referenced in addressing human health and environmental factors. A list of relevant documents and sources of toxicological information that would be consulted in preparing the FS is enclosed.

The following comments refer to specific activities that were initiated during the RI. These comments should be addressed prior to Remedial Action and preferably as soon as possible.

A functional value assessment using the Wetlands Evaluation Technique (WET) analysis must be performed to determine the possible impacts to the wetlands from the site contamination and the various remedial alternatives, and to comply with Executive Order 11990 (Protection of Wetlands). If there is the possibility of detrimental effects to the wetlands as a result of Remedial Action, a functional assessment must be performed prior to initiation of any remedial action. Additionally, EPA suggests that the wetland areas be calculated by type. If contaminants other than lead are found to be above criteria values on-site, they must be addressed as part of the assessment to determine their environmental impacts.

The discussion of cultivated field cover must be expanded. There is no discussion of the crops that are grown in or adjacent to the study area and whether these are environmentally significant agricultural lands. Consultation with the Soil Conservation Service regarding the environmental significance of these lands is needed in order to comply with the Farmland Protection Policy Act. The stream cover type vegetation must be described in more detail, especially as the two streams contain emergent vegetation. The drainage ditches between the streams must also be discussed.

Lists of typical species in the Terrestrial Wildlife Resources are

appropriate seasons. A determination of actual species found in the study area must be made. The terrestrial (soil and biota) routes of exposure could be quantified using organisms such as earthworms, small mammals and red tailed hawks. This information can also be used when deriving cleanup criteria. EPA can offer guidance in performing this type of work.

The section on Aquatic Wildlife is abbreviated and inadequate. Sampling of the streams and drainage ditches for vegetation and fauna must be performed.

The Risk Characterization provides no useful conclusions and illustrates the need for sampling, not only of vegetation, but of animal species too. Blood and tissue levels of contaminants in various species are obtainable by live trapping and sampling, and would add greatly to the quantification of exposure risk for the ecological community.

The Cultural Resource Survey is deficient and cannot be used as a basis for EPA's compliance activities under Section 106 of the National Historic Preservation Act (NHPA). EPA suggests that NL have its contractor meet with EPA to ensure that the report is adequately revised for compliance with the NHPA. The Cultural Resource Survey must be revised to address the following comments:

1. The principal investigator for the survey report must be identified to determine whether the individual meets the appropriate Department of Interior professional standards.
2. To make it easier to evaluate the observations that are presented in the report, the references cited should be correlated to corresponding sections in the text.
3. The report must incorporate portions of the October 1990 RI, rather than only refer to these sections of the RI.
4. Continued utilization of vague terms of reference (relics of Indian villages, digs, civilizations) outside of appropriate professional practice reduces the utility of the document as a technical reference upon which to base the determination of the need for further study.
5. The report incorrectly identifies the roles of the NJSHPO and NJDEP in the determination of the significance of historic properties under the NHPA.

The floodplain map showing the boundaries of the 100-year floodplain requires a delineation of the 500-year floodplain since all Superfund projects are considered "critical actions." As the Remedial Action alternatives are developed, an assessment of the impact on the floodplain of the site itself (e.g., the amount of floodplain capacity that has been eliminated by the landfill), and

4

of the different Remedial Action alternatives, will be required in order to comply fully with Executive Order 11988 (Floodplain Management) and the EPA Statement of Floodplains and Wetlands Assessments for CERCLA Actions.

In accordance with Administrative Order on Consent number 60109, Section III, Part C, the Interim FS report is due 150 working days from receipt of this letter. If you have any questions on the above, please call Michael Gilbert of my staff at (212) 264-6418.

Sincerely yours,



Raymond Basso, Chief
New Jersey Superfund Branch II

Attachments:

NJ Surface Water ARARS
NJ Regulations for Closure of Underground Storage Tanks
Regulations Implementing the NJ Water Pollution Control Act
NJ Freshwater Wetlands Permit Application
List of Guidance Documents and Toxicological Information
EPA's RI Addendum

cc: F. Hale, O'Brien & Gere
D. Kothari, EBASCO
P. Harvey, NJDEP

NLI 002 0367